

Date: June 4, 2004  
From: Steve Martin, FCC Laboratory, Columbia, MD  
Subj: ET Docket No. 04-37, Ex parte communication

On May 26, Steve Martin [engineer in the Technical Research Branch of the FCC] presented the attached slides (“United States Federal Communications Commission (FCC) Rules for Broadband Over Power Line (BPL)”) and participated in a question and answer session on regulatory framework for BPL at the “2<sup>nd</sup> World Summit of PLC Associations” in Brussels, Belgium. The summit was organized by the PLCforum Association and was attended primarily by BPL industry representatives.

The regulatory session was chaired by Victor Dominguez (Chairman of the PLCforum Technical & Regulatory Working Group) and included a panel made up of Mark Bogers (European Commission), Nobuo Matsuo (PLC-J, Japan), and me (Steve Martin). Presentations by the three panelists were followed by a 30-minute question-and-answer session. I answered questions in the following areas. (My answers are summarized in parentheses.)

- ? The reason that the FCC NPRM focuses on access BPL rather than in-house BPL. (The decision was driven by the interest in broadband access on the part of the Chairman of the FCC and President Bush, as well as the fact that in-house BPL devices are already being sold under existing rules.)
- ? The importance of interference mitigation. (Interference mitigation is important and is the responsibility of BPL providers. The proposed changes in FCC rules for access BPL are intended to support mitigation.)
- ? The likely timing of any new rules for access BPL. (Because of the high-level interest in access BPL, a decision is likely this calendar year—perhaps in the Fall.)
- ? The claimed lack of “proven cases” of interference from BPL. (The claim that no interference case is proven is true only in the sense that the FCC has not yet sent investigators into the field to evaluate specific interference complaints. Interference has been acknowledged in some cases by BPL providers, who then made changes in operating frequencies to mitigate the interference. Some field investigation of interference complaints is likely in the near future.)
- ? The impact of the FCC emission limits relative to more stringent limits in some European countries and even more stringent limits that have been proposed by some parties. “Have airplanes fallen from the sky?” (Discussed the NTIA interference distance predictions, the fact that interference cases are often solved in the U.S. through direct interaction of the parties involved without FCC involvement, that the approach we took in our proposed rules is based on the idea that interference from BPL is likely to be local, site-specific, and band-specific, and that it can be avoided by careful deployment by the operators.)
- ? Concerns about the proposed publicly-accessible database. (The proposed public-accessibility is intended to facilitate identification and resolution of interference.)
- ? The likelihood that FCC will issue regulations to prevent interference between in-house and access BPL. (There seems to be little interest in a regulatory solution to such issues at this time, per comments received from the NOI.)
- ? The proposed 10-meter measurement distance—as opposed to one or three meters. (The proposed measurement distance is a tradeoff between a reducing the effect of ambient signals on the one hand and a combination of safety issues and concern over accuracy of extrapolating measurements over an excessive distance range [e.g., from a 1 meter measurement distance to a 30-meter emission-limit distance] on the other).